

ACT 21

S.B. NO. 438

A Bill for an Act Relating to Professional and Vocational Licensing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 436B-9, Hawaii Revised Statutes, is amended to read as follows:

**“§436B-9 Action on applications; abandoned applications.** (a) Unless otherwise provided by law, each licensing authority shall take the following actions within one year after the filing of a complete application for licensure:

- (1) If it deems appropriate, conduct an investigation of the applicant; and
- (2) Notify the applicant in writing by mail of the decision regarding the application for licensure[-] addressed to the applicant’s last address

on file with the licensing authority. If the application has been denied, written notice of the decision shall state specifically the reason for denying the application and shall inform the applicant of the right to a hearing under chapter 91.

~~(b) An [application] applicant whose application for license is incomplete shall be considered to [be] have abandoned the application if [an applicant fails to provide evidence of continued efforts to complete the licensing process for two consecutive years; provided that the failure to provide evidence of continued efforts includes but is not limited to:~~

~~(1) Failure to submit the required documents and other information requested by the licensing authority within two consecutive years from the last date the documents or other information were requested; or~~

~~(2) Failure to provide the licensing authority with any written communication during two consecutive years indicating that the applicant is attempting to complete the licensing process, including but not limited to attempting to complete the examination requirement; and~~

~~provided further that the licensing authority may extend the above time periods by rule. The licensing authority shall not be required to act on any abandoned application, and the application may be destroyed by the licensing authority or its delegate. If the application is deemed abandoned by the licensing authority, the applicant shall be required to reapply for licensure and comply with the licensing requirements in effect at the time of reapplication.];~~

~~(1) The licensing authority mails a written notice to the applicant, addressed to the applicant's last address on file with the licensing authority, notifying the applicant that the application is incomplete; and~~

~~(2) The applicant fails to submit all required documents, data, and information to the licensing authority within one year from the date of the licensing authority's written notice to the applicant.~~

~~(c) An applicant whose application for examination has been approved shall be considered to have abandoned the application if:~~

~~(1) The licensing authority mails a written notice to the applicant, addressed to the applicant's last address on file with the licensing authority, notifying the applicant that the applicant's application for examination has been approved; and~~

~~(2) The applicant fails to take the examination within one year from the date of the licensing authority's written notice to the applicant.~~

~~(d) If the licensing authority rejects an applicant's application for examination on the basis that the application is deficient, the licensing authority shall mail a written notice to the applicant, addressed to the applicant's last address on file with the licensing authority, notifying the applicant of the rejection. An applicant whose application for examination has been rejected shall be considered to have abandoned the application if the applicant fails to:~~

~~(1) Within one year from the date of the licensing authority's written notice of rejection, submit evidence that all deficiencies specified in the licensing authority's written notice have been corrected; and~~

~~(2) Take the examination within a one-year period from the date of the licensing authority's written notice to the applicant that the applicant is eligible to take the examination.~~

~~(e) Submission of additional data, requests for reconsideration or re-evaluation, or other inquiries or statements involving an application shall not extend the respective time periods specified in subsections (b), (c), and (d).~~

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(f) The licensing authority shall not be required to act on any abandoned application, and the abandoned application may be destroyed by the licensing authority or its delegate. An application submitted subsequent to an abandoned application shall be treated as a new application. The applicant shall comply with all applicable licensing requirements in effect at the time the new application is submitted.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 19, 2023.)